

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JAMES A. BATTLE, JR.,)
10 Plaintiff,) CASE NO. C08-0642-RAJ
11 v.)
12 DEBRA HOLLY, *et al.*,) ORDER GRANTING DEFENDANT'S
13 Defendants.) MOTION TO DISMISS AMENDED
COMPLAINT AND DISMISSING
ACTION WITHOUT PREJUDICE

The Court, having reviewed plaintiff's amended civil rights complaint, defendant Holly's motion to dismiss, plaintiff's responses thereto, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, Plaintiff's objections thereto, and the remaining record, does hereby find and ORDER:

- 19 (1) The Court adopts the Report and Recommendation.
20 (2) Defendant Holly's motion to dismiss (Dkt. No. 26) is GRANTED.
21 (3) Plaintiff's amended complaint and this action are DISMISSED without prejudice.

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS AMENDED
COMPLAINT - 1**

(4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendant, and to the Honorable James P. Donohue.

DATED this 13th day of April, 2009.


The Honorable Richard A. Jones

The Honorable Richard A. Jones
United States District Judge

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS AMENDED
COMPLAINT - 2**